



DEPARTMENT OF THE ARMY
HEADQUARTERS, THIRD INFANTRY DIVISION (FWD)
OFFICE OF THE STAFF JUDGE ADVOCATE
APO AE 09352

REPLY TO
ATTENTION OF:

AFZP-JAC

5 December 2005

MEMORANDUM FOR RECORD

SUBJECT: Action on Claim [REDACTED]

1. Facts. Claimant's father was struck and killed by a U.S. military vehicle on 27 July 2005. On 22 October 2005, claimant was paid \$10,000 as compensation for the death. He is now requesting more money.

2. Opinion. In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by noncombatant activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces. Claim was settled as a matter of law on 22 October 2005.

3. Authority. The Foreign Claims Act (10 U.S.C. § 2734) as implemented by AR 27-20, Chapter 10.

4. Action. The claim is denied.

[REDACTED]

CW2, JA
FCC IJ4

[REDACTED]

CPT, JA
FCC IJ4

[REDACTED]

CPT, JA
FCC IJ4

001359

**DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY
2D BRIGADE, 3D INFANTRY DIVISION
FOB LOYALTY, APO AE 09380**

REPLY TO
ATTENTION OF:

AFZP-VB-JA

28 November 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of [REDACTED]

1. Claimant's name and address: [REDACTED]

2. Date and place the incident occurred giving rise to the claim: Incident occurred on 27 July 2005, at Baagooba Road, Baghdad, Iraq.

3. Amount of claim and date it was filed: Claimant filed a claim in the amount of \$30,000.00 on 23 November 2005.

4. Claim considered under the Foreign Claims Act and Chapter 10, AR 27-20; claimant filed for death of claimant's father as a result of a vehicle accident involving Coalition Forces.

5. Facts:

- a. On 27 July 2005, the claimant's father was crossing a road near Route Predator and Silver.
- b. The claimant's father was struck by a Coalition Forces vehicle resulting in his death.

6. Opinion:

a. In order to form a basis for a claim under the FCA, it must be shown that the incident occurred outside the United States, and that it was caused by non-combat activities of the United States Armed Forces or by the negligent or wrongful acts of military members or civilian employees of the Armed Forces.

b. The incident was a result of negligence on behalf on the Coalition Forces.

c. The claim was settled on 22 October 2005 for \$10,000.00. The claimant is filing reconsideration for more money.

7. Recommended Action: Disapprove the claim.

[REDACTED]
[REDACTED]
CPT, JA
Single Member FCC

001360

DEPARTMENT OF THE ARMY
HEADQUARTERS AND HEADQUARTERS COMPANY
2D BRIGADE, 3D INFANTRY DIVISION
FOB LOYALTY, APO AE 09380

REPLY TO
ATTENTION OF:

AFZP-VB-JA

28 November 2005

MEMORANDUM OF OPINION

SUBJECT: Claim of \$ [REDACTED]

1. Claimant's name and address: [REDACTED]

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c. The claim was settled on 22 October 2005 for \$10,000.00. The claimant is filing reconsideration for more money.

7. Recommended Action: Disapprove the claim.

[REDACTED]
[REDACTED]
CPT, JA
Single Member FCC

001361

Note: - He was compensated \$10,000.00 but he wants more. ten thousand

Claims form
Us foreign commission

Reconsideration

Claim# 2-070-5

Claimant name [Redacted]
Address [Redacted]

Sec/ 762 St/ 19 H/ 4

Abaydi

Relation ship Victims Son Dob d/m/y 1/1/1963 Age [Redacted]

A citizen and national of / Iraq
A permanent resident / Baghdad

Type claim (circle which applied)

- 1-Vehicle
- 2-Personal property
- 3-Real estate
- 4-Personal injury
- 5-Death**

Have you filed a claim before (circle which applied) YES OR NO

Date incident occurred :/D/ 27 /M/ 7 /Y/ 2005

Place incident occurred: / Baghdad Road

SITUATION His father was crossing then an American vehicle ran him over and killed him. The claimant said.

List in detail amount of property damage and itemized expense resulting from the property damage personal injury: (attach bills and receipts, if applicable).

Item	Amount
<u>He asks for more compensation</u>	

TOTAL AMOUNT: US DOLLAR 30,000.00 Thirty thousand

IRAQI DINAR / ID

Today date: D/ 13 /M/ 11 /Y/ 2005

Translator name [Redacted]

Signature [Redacted]